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FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ROSSLYN, VIRGINIA 22209-3801

(703) 812-0400

TELECOPIER

(703) 812-0486

INTERNET

office@fhh-telcomlaw.com

FRANK U. FLETCHER
(1939-1985)
ROBERT L. HEALD
(1956-1983)
PAUL D. P. SPEARMAN
(1936-1982)
FRANK ROBERSON
(1936-1981)
RUSSELL ROWELL
(1948-1977)

RETIRED
JOHN J. KENEHAN
CONSULTANT FOR INTERNATIONAL AND
INTERGOVERNMENTAL AFFAIRS
SHELDON J. KRYS
U. S. AMBASSADOR (ret.)

OF COUNSEL
EDWARD A. CAINE*

WRITER'S NUMBER
(703) 812-

0420

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JUN 13 1997

Federal Communications Commission
Office of Secretary

June 13, 1997

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

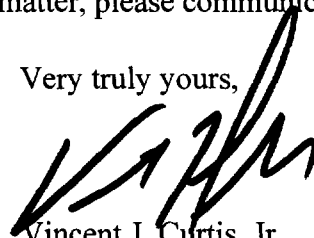
Re: Advanced Television Systems and Their Impact Upon the
Existing Television Broadcast Service (MM Docket No. 87-268)

Dear Mr. Caton:

On behalf of Warwick Communications, Inc., there is transmitted herewith an original and eleven (11) copies of their Petition for Partial Reconsideration in the above-captioned proceeding.

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,



Vincent J. Curtis, Jr.
Counsel for Warwick Communications, Inc.

VJC:mah
Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
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JUN 13 1997

Federal Communications Commission
Office of Secretary

In the Matter of)
)
Advanced Television Systems and)
Their Impact Upon the Existing)
Television Broadcast Service)

MM Docket No. 87-268

TO: The Commission

PETITION FOR PARTIAL RECONSIDERATION

Comes now Warwick Communications, Inc., the licensee of Station KFXK(TV), Longview, Texas, by its attorneys, and respectfully requests that the Commission reconsider its Sixth Report and Order (Sixth R&O), FCC 97-115, released April 21, 1997 and that the proposed DTV Table of Allotments set forth in Section 73.622 of the Commission's Rules be changed as follows:

	<u>Allocated Per Sixth R&O</u>	<u>Proposed</u>
Longview, Texas	52	26

In support, the following is stated:¹

1. In the Sixth R&O, the Commission has proposed adjacent Channel 52 as the DTV allotment for KFXK(TV). The use of DTV allotments adjacent to NTSC channels is of concern through the industry since it depends in many areas upon untested technology. In the case at hand,

¹This pleading is being filed in a timely manner, within thirty (30) days of the publication of the Sixth R&O in the Federal Register. 62 Fed. Reg. 26683 (May 14, 1997).

there is the additional problem that Channel 52 would fall outside of the core channels that the Commission has indicated will be available only through the transition period. Thus, if the Channel 7 through 51 core becomes final, KFXK(TV) -- and its audience -- would face yet a further change.

2. Attached hereto is the engineering statement prepared by Cavell, Mertz & Perryman, consulting engineers. That statement demonstrates that the allotment of DTV Channel 26, in lieu of Channel 52, would meet all of the known technical requirements. At the same time, this change would avoid the disruption of service to the public and added costs to Warwick by locating within the Channel 7-51 core. Thus, there is no technical obstruction to adding Channel 26 to Longview, while at the same time eliminating unnecessary disruption and cost.

Conclusion

WHEREFOR, the Premises Considered, it is respectfully requested that the proposed allotment of DTV Channel 52 to Longview, Texas be changed to Channel 26.

Respectfully submitted,

WARWICK COMMUNICATIONS, INC.

By: 

Howard M. Weiss
Vincent J. Curtis, Jr.

Its Attorneys

FLETCHER, HEALD & HILDRETH, P.L.C.
1300 N. 17th Street, 11th Floor
Rosslyn, VA 22209
(703) 812-0400

June 13, 1997

ENGINEERING STATEMENT

prepared for

Warwick Communications, Inc.

KFXK (TV) Longview, Texas

This engineering statement has been prepared on behalf of *Warwick Communications, Inc.* ("*Warwick*"), in support of a *Petition for Reconsideration* of the Federal Communications Commission's Sixth Report and Order ("6th R&O") in MM Docket 87-268.¹ *Warwick* is the licensee of television station KFXK, Longview, Texas. *Warwick's* petition requests an alternate digital television ("DTV") channel allotment for KFXK within the core spectrum.

Discussion

The 6th R&O specifies that a core set of television channels would ultimately be used, thus permitting recovery of part of the existing television broadcast spectrum. The 6th R&O states that the core would consist of channels 7 to 51 or channels 2 to 46, depending upon the DTV performance of the lower VHF channels (2 through 6). The DTV table of allotments was prepared to minimize the use of channels 60 to 69 to facilitate early recovery of these channels. Further, allotments on channels 52 to 59 have been avoided where possible. DTV allotments on channels 51 to 69 (and channels 2 to 6 or channels 46 to 51) would be required to change channels at the conclusion of the transition period. Accordingly, the 6th R&O's DTV allotments have been made on channels 2 to 51 wherever possible.

For the case at hand, DTV channel 52 has been allotted for use by KFXK (NTSC channel 51). As specified in the 6th R&O, KFXK's use of DTV channel 52 would extend only through the transition period, following which *Warwick* would be required to move the KFXK DTV facility to an as-yet undetermined channel within the core. At that time, KFXK could use its existing NTSC channel 51 as its DTV channel, provided that the core spectrum ultimately selected includes channel 51. In any event, *Warwick* would have to change the channel of its DTV facility following the transition period under the 6th R&O.

¹See FCC 97-115 *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, released April 21, 1997.

ENGINEERING STATEMENT

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An engineering review of the DTV allotments and NTSC assignments in the region surrounding Longview showed that an alternate channel could be used for KFXK. Interference studies were performed using an application of the terrain-dependent Longley-Rice methodology, similar to that employed by the Commission in developing the DTV table of allotments.² The studies showed that channel 26 could be used as KFXK's DTV channel at 102.5 kW effective radiated power. The DTV channel 26 at Longview would provide coverage to 97.0 and 96.9 percent of the area and population of the interference-limited KFXK NTSC channel 51.

The interference study also examined the potential impact the use of DTV channel 26 at Longview would have on other DTV allotments and existing NTSC assignments. Among those studied were co-channel DTV allotments at Alexandria, LA, Ada, OK, and Waco, TX and NTSC stations KVTH Hot Springs, AR and KRIV Houston, TX. Adjacent channel facilities studied included DTV allotments at El Dorado, AR, Houston, TX, and Llano, TX and NTSC stations KVTN Pine Bluff, AR, KLPA-TV Alexandria, LA, KDFI-TV Dallas, TX, and KXXV Waco, TX. Many other stations with "taboo" channel relationships to DTV channel 26 were also included. The interference studies showed that no interference is predicted to be caused to any NTSC assignment or DTV allotment by the use of DTV channel 26 at Longview, TX.

Summary

Based on these studies, it appears that KFXK Longview, TX could use DTV channel 26 in lieu of the allotted DTV channel 52 and provide substantially the same area and population coverage as the existing KFXK NTSC channel 51. No interference is predicted to be caused to other DTV allotments or NTSC assignments. The use of DTV channel 26 for KFXK would not

²Although the 6th R&O refers to OET Bulletin 69 for guidance in evaluating interference using the Longley-Rice methodology, such bulletin is not available at this writing. The time-shared "HDTV" computer program offered by the National Telecommunications and Information Administration's TA Services in Boulder, Colorado was employed as the method for coverage and interference prediction. The HDTV program is based upon the Longley-Rice propagation model, which uses the methods described in the National Bureau of Standards Technical Note 101, and has been developed in close coordination with the Commission's OET staff. All area and population predictions were based on the Longley-Rice methodology as employed by TA Services and included "clipping" the extent of coverage at the Grade B contour distance, as determined with the Commission's traditional average elevation method, per the 6th R&O's Appendix B.


ENGINEERING STATEMENT

(page 3 of 3)

require *Warwick* to later change channels, as is the case with the 6th R&O's allotment of channel 52.

Certification

The undersigned hereby certifies that the foregoing statement was prepared by him or under his direction, and that it is true and correct to the best of his knowledge and belief. Mr. Davis is a principal in the firm of *Cavell, Mertz & Perryman, Inc.*, is a Registered Professional Engineer in Virginia, holds a Bachelor of Science degree from Old Dominion University in Electrical Engineering Technology, and has submitted numerous engineering exhibits to various local governmental authorities and the Federal Communications Commission. His qualifications are a matter of record with that agency.



Joseph M. Davis, P.E.
June 12, 1997

Cavell, Mertz & Perryman, Inc.
10300 Eaton Place
Suite 200
Fairfax, VA 22030
(703) 591-0110